

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1) CRM No.M-2657 of 2015 (O&M)

Desh Raj

...Petitioner

Versus

Mahesh Mani and another

...Respondents

(2) CRM No.M-7469 of 2015 (O&M)

State of Haryana

...Petitioner

Versus

Mahesh Mani

...Respondent

Date of Decision: October 05, 2015

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.K.S.Dhaliwal, Advocate
for the applicant-petitioner (in CRM No.M-2657 of 2015).

Mr.Himmat Singh, Asstt. Advocate General, Haryana
for the respondent-State (in CRM No.M-2657 of 2015) and
for the petitioner-State (in CRM No.M-7469 of 2015).

Ms.Dhivya Jorath, Advocate
for respondent-Mahesh Mani.

INDERJIT SINGH, J.

CRM No.24030 of 2015

Heard.

The application is allowed. At the request of the learned
counsel for the parties as well as learned State counsel, the above-

mentioned cases are preponed for today.

CRM No.M-2657 and M-7469 of 2015

Both the above-mentioned cases are taken up together being arisen from same FIR.

Petitioners have filed these petitions under Section 439(2) Cr.P.C. for cancellation of anticipatory bail granted to respondent Mahesh Mani by learned Addl. Sessions Judge, Faridabad vide impugned order dated 18.12.2014 in case FIR No.476 dated 25.11.2014 under Sections 307/34 IPC and Section 25 of the Arms Act registered at Police Station Saran, District Faridabad.

Notice of motion was issued in both the cases.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

Learned counsel for the petitioner as well as learned State counsel have nowhere alleged in the petitions that after grant of anticipatory bail, respondent-Mahesh Mani has misused the bail in any way. Their only argument is that the respondent-Mahesh Mani is required for custodial interrogation. It is argued that challan has already been presented against other co-accused and the trial is going on. No challan has been presented against the respondent Mahesh Mani.

I have perused the order passed by learned Addl. Sessions Judge, Faridabad. Respondent-Mahesh Mani has not been named in the FIR. The only allegation as per prosecution version against respondent Mahesh Mani is that weapon was supplied to

other co-accused along with ₹20,000/-. The statement of co-accused is there. Learned State counsel as well as learned counsel for the petitioner Desh Raj argued that the call details have been collected by the police. Even if it is taken that call details have been collected by the police, even then the custodial interrogation of respondent Mahesh Mani is not required. The weapon has already been recovered from the co-accused. For knowing the source of country made pistol, the custodial interrogation of the respondent Mahesh Mani is not required in the facts and circumstances of the case. The only allegation against him is regarding conspiracy, which is to be inferred/proved from the evidence collected by the prosecution.

In view of the above discussion, I find that the custodial interrogation of respondent Mahesh Mani is not required. The impugned order dated 18.12.2014 passed by learned Addl. Sessions Judge, Faridabad, in no way, suffers from any illegality and it has been passed as per law.

Therefore, finding no merit in both the petitions, the same are dismissed.

October 05, 2015
Vgulati

(INDERJIT SINGH)
JUDGE